

Minutes of the Town Board Meeting of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, March 15, 1977 at 7:30 P. M.

Present: Allen M. Smith, Supervisor
George G. Young, Councilman
Francis E. Menendez, Councilman
Jessie Tomlinson, Councilwoman

Absent: Peter S. Danowski, Jr., Town Attorney
John Lombardi, Councilman
Alex E. Horton, Supt. of Highways

Supervisor Smith called the Meeting to order at 7:30 P. M. and the Pledge of Allegiance was recited.

Supervisor Smith: "I would point out that Mr. Lombardi is not here this evening. He has been in the hospital, he has been operated upon, he is feeling better and is at home. We look forward to his speedy recovery and return to the Town Board Meetings."

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the Minutes of the Meeting of the Town Board of the Town of Riverhead, held on March 1, 1977 and the Minutes of the Special Meeting held on March 8, 1977, be approved as submitted.

The vote, Lombardi, Absent, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

REPORTS

Tax Receiver's dated: March 10, 1977

Recreation Department, month of February, 1977 Filed.

COMMUNICATIONS

Town of Riverhead Planning Board, dated 3/4/77, submitting recommendations and report on referral of Special Permit Application of Northville Industries. Recommending that the Special Permit be approved subject to the three following conditions:

1. Permission being obtained for unannounced site inspection of the operations of the facility;

COMMUNICATIONS

2. Submission of a geological report as to the necessity of installing an impermeable barrier in the dike area;

3. Submission of a report from the Fire Inspector as to the adequacy of the fire protection system. Filed.

Paul Cohen, Esq., dated 3/7/77, relating to Map and Bond of Jamesport Associates. Filed.
Deferred for further consideration by Town Board.

Department of Environmental Conservation relating to the Matter of the Petition of the Town of Riverhead proposing to construct approximately 615 ft. of bulkheading extending westward from the Town Board Ramp, 455 cubic yards of clean fill will be placed behind this bulkhead.

Hearing to be held at the County Center, Riverhead, N.Y. on the 7th day of April, 1977 at 10:30 A. M.

Anyone desiring to be heard must file a notice in writing and in duplicated with the Tidal Wetlands Permit Administrator at Stony Brook, N. Y. on or before the 1st day of April, 1977. Filed.

Department of Environmental Conservation relating to the Matter of the Petition of Peconic Bay Estates, Inc., proposing to construct a road and drainage facilities associated with the 18 home subdivision located on South of Peconic Bay Blvd., 471 feet west of Washington Ave., at Jamesport.

Hearing to be held at the County Center, Riverhead, N.Y. on the 8th day of April, 1977 at 10:30 A. M.

Anyone desiring to be heard must file a notice in writing and in duplicate with the Tidal Wetlands Permit Administrator, Stony Brook, N.Y., on or before the 4th day of April, 1977. Filed.

Mr. Raymond Schnebel, dated 3/10/77, Advising that recently additional street lights were installed on Pole #11 in front of his home. In order to get some sleep they are required to draw all shades on windows in front of house. Mr. Schnebel is requesting that a shield be installed on the light. Filed.

Referred to Lighting Committee.

COMMUNICATIONS - continued

F. Mackie, Beach Road, Aquebogue, N. Y., dated 3/10/77. Advising that both Harbor Road and Beach Road are full of craters that had been potholes and it's like riding on a roller coaster. Adding that he had his muffler ripped off going through on Beach Road and asking that the Highway Department remedy this condition. Filed.

The matter was referred to Supt. of Highways Alex E. Horton. Supervisor Smith stated that the Town Board will give this matter further study, for the reason that the Highway records in the Town Clerk's Office disclose that Harbor Road east of Meeting Creek Road is a public highway and west of Meeting Creek Road is a private road. Beach Road is a private road.

UNFINISHED BUSINESS

Hugh J. Wallace for Building Permit - Site Plan for Accessory Building. Filed.

Referred to Planning Board for recommendation and report.

Also copy to be mailed to Suffolk County Planning Commission.

PERSONAL APPEARANCES

Supervisor Smith asked if anyone wished to be heard and the following responded:

Sharon Wendelken: "Remember Mr. Smith when you ran for election for Supervisor, you had said and there were ads in various local papers that something had to be done about the roads in the area. Now I understand that there are quite a few roads 10 miles approximately of private roads in Riverhead and to do it all at once the taxes would be outrageous for the people who live here.

But it recently came to my attention that the HUD money such as the \$100,000 that you propose to use to tear down the Raspberry Hilton could be used for such purposes to take over these roads, to up-grade them and make them passable. I think it's more important for people to be able to drive to their homes than to tear down a building on East Main Street."

Supervisor Smith: "Again we have the problem of private versus public roads. As you know with reference to your particular roads in Timber Park, the Town Board has expressed a willingness to take those roads over and to improve them and our idea had been to have a gradual in-staged development of acceptance of private roads. We have been sued by Mr. William Haugaard.

PERSONAL APPEARANCES - continued

I do not think that our plans can go forward with reference to the acceptance of roads.

Now that does not address itself, of course, to funding. We have been taking Revenue Sharing Moneys and other federal funds that have been coming to us for road improvement purposes. The drainage projects that are now under way and hopefully will be completed this Spring.

If you had been looking into the HUD funding, you realize, of course, that one of the lawsuits that has been brought with reference to HUD funding, the community development funds, which I believe you are talking about is directed at whether or not those funds should be spent on swimming pools and roads and things of that nature or whether they might better be spent on housing-related problems that exist in Suffolk County. You may also have seen that Mr. Randolph of Brookhaven has just lost \$800,000 because he had set those moneys aside for a swimming pool rather than using them on housing-related problems, code enforcement and slum clearing.

We are not ignoring you on the roads. We hope we win our lawsuit with reference to Mr. Haugaard. We will be trying to accept the roads in a gradual process and we will be using General Federal Revenue Sharing Funds when available for road improvement and that kind of thing. We are also trying to get some cooperation on using some surpluses in the Highway Fund for this kind of thing. I hope that explains it."

Sharon Wendelken: "Well the problem is if you take over roads gradually as is in our case you took over our two roads in Timber Park. If every time you do that, one of the other areas sues. I mean it could tie things up forever and nothing will be accomplished. At least this way you'd be able to do them all gradually at once."

Supervisor Smith: "I don't think that Mr. Haugaard would not have sued us whether we had the funds in hand or otherwise. I don't think his gripe is where the funds are coming from. I think his gripe is in reference to the procedure."

Ray McCoy Jr.: Read a statement on "Games of Chance", which he compiled after attending a Public Hearing on "Games of Chance" in Hauppauge, N.Y. on February 4, 1977. It is a very comprehensive report and same is filed in the Office of the Town Clerk.

Councilwoman Tomlinson stated that she had attended two Law "Vegas Nights affairs" and contended that presently the law as written is unenforceable.

Supervisor Smith: "We would add, Ray, to those present that did not realize that the vote would be next Tuesday, the 22nd. The voting hours are from Noon to 8:00 P.M. You can vote at the Jamesport Firehouse, the Wading River Firehouse and this Town Hall in this room. Any registered voter may vote in anyone of the three places but may not vote more than one time."

PERSONAL APPEARANCES - continued

Norman Schneider; Secretary of Riverhead Lodge 1742 Loyal Order of Moose, presented the following petition containing 359 signatures:

"We, the undersigned, members or friends of the Riverhead Lodge 1742, Loyal Order of the Moose, do hereby support a proposal made to the Town Board of the Town of Riverhead to initiate a program of slum clearance under the Community Development Act that the number one priority be assigned to the Colonial Arms (Raspberry Hilton), at the intersection of East Main Street and Riverside Drive." (End)

The above petition is filed in the Office of the Town Clerk.

Paul Meyer: "I came here tonight to get a couple things off my chest. I hope that you'll be tolerant enough to listen to me and then if you have any questions I'd like to hear them.

I heard this lady talk about the Raspberry Hilton. When I brought this to the attention of the Town Board nobody paid any attention to me. It takes a lot of affluence in this Town, somebody like Lawyer Tooker to get up here and talk about it.

All right you talk about getting all these moneys from the Federal Government but remember it's your money and my money that's supporting the Federal Government. That's why we pay these income taxes. So I'm all for condemning that place and doing something about it...

The second thing is that strip up there, I don't think it's safe. It's right close to the runway. I want to tell you this I'm not gunning for anybody's job here. I was told that one night here at a meeting. But when you reach my age, at 39 years and you have \$50.00 in the bank you don't need any of these jobs. But getting back to the strip it's dangerous. You take those..."

Supervisor Smith: "Mr. Meyer so everybody understands what you're talking about, you're talking about the airstrip near 105."

Paul Meyer: "Running parallel with Route 105 if any of those crates that are up there came to make a landing and a good cross wind would blow it right over into the Highway. Another thing on my mind was that guy that came down and the place was full of mud. There wasn't any sign saying don't land here.

I brought up the Raspberry Hilton and now I'm bringing this up that someday somebody will be killed driving by that airstrip and you may consider it at that time. So please take it under consideration. It shouldn't be there."

Councilman Menendez: "On the airstrip that plane wasn't landing there because the strip was Xed out. In other words when there's an X put on an airstrip that means you cannot land

PERSONAL APPEARANCES - continued

there because it's soft or unsafe. When he came in there he saw the X so he started to go out again and didn't land. When going up he caught the wing tip on one of those trees that the County planted along side of that airstrip. For two years I've been trying to get those trees out of there because somebody will be killed. We were told it would cost \$3,000 to take the trees out. We have told them that we will take them out for nothing. The danger isn't in the strip it's in those trees that are along there. If they removed the trees there's plenty of room to land."

Paul Meyer: "Well, Doc I can't agree with you that the strip is not dangerous. I don't think that 50 feet from the highway is enough. I've flown planes myself and with those crates a good cross wind would blow them right off the strip."

Councilman Menendez: "A good pilot doesn't need 50 feet clearance to get into a strip. There's more than enough room for anyone to land who's had one lesson. You're off on that one Paul."

Paul Meyer: "I don't think I am. I think the strip is too close to the Highway and I think it's a good thing to have the trees. Now another thing if he hit a tree and broke it he should pay for it. If you drove your car into a pole or tree and broke it, you'd have to pay for it. Why not charge him for the tree he hit?"

Councilman Menendez: "Who's going to pay for the man's funeral when he gets killed because the County put the trees along side of that airport."

Paul Meyer: "You and I can get into a hot argument. You're the guy that told me I was gunning for your job, I'm not gunning for your job."

Supervisor Smith: "You guys are not getting into a hot argument because I want to stop it."

Paul Meyer: "I'm not angry, when I get a little excited I talk bitter. I still contend the strip shouldn't be there, Doc. I'm not against flying at all, but it shouldn't be there."

Councilman Menendez: "Would you feel much better if that strip ran East and West instead of North and South?"

Paul Meyer: "I think so."

Dr. Alfred H. Smith, Northville Beach Civic Association: "It's spring again and I want to start in on it again. We're asking about the landing platform at Pier Avenue."

PERSONAL APPEARANCES - continued

Supervisor Smith: "For those of you who don't know what Doc is talking about it's the iron pier boat launching ramp which is between him and I. The great example of how inept the DEC is on processing permits. You don't know until the Spring storm what happens to the ramp, therefore, you can't put it in early. They say file in November you say we don't know what's the matter with it until March. You file in March then give you the permit in November."

Dr. Alfred H. Smith: "We're going to get started with it soon?"

Supervisor Smith: "They're going to go on last year's permit, Doc."

Dr. Alfred H. Smith: "One other thing while I'm here. I think the podium is wonderful but I think we ought to have maps so when you talk about things we could have one with each area of the Town on it. Now I started this a long time ago with Mr. Leonard and we had a little map up in the old place which was a little better but when people get up and start talking about areas of the Town which most of us are familiar but some aren't and I think it would be a wonderful thing. I think it could be put up here in sections where we could use it."

Supervisor Smith: "We'll get you a map."

Kathy Johns, Timber Park: "I don't want to talk politics I just want to ask a few questions as a taxpayer in a private road community. We pay the bills, we get no services, our children are endangered. Your ticket for elections - "I will do your roads to get elected". Now it's time to get re-elected we have nothing and you want us to vote for you again. We're paying for this."

Supervisor Smith: "Mrs. Johns I voted for the resolution, I proposed the resolution."

Kathy Johns: "I realize it's not you alone, but I'm saying us versus you. We don't understand."

Supervisor Smith: "It's not us versus you, it's all of us against Mr. Haugaard at this point."

Kathy Johns: "How come we can't even get the smallest of services as a street light. For three years I've been trying to get a street light for one pole for five people. Now there's holes in the road, there's no moon at night. What are we supposed to do?"

PERSONAL APPEARANCES - continued

Supervisor Smith: "On Sunday if you looked out of your window during the rain storm you would have found me out there taking pictures of the puddles, in your roads. I'm there, I'm sympathetic to your problem and as soon as we get a definite answer on this lawsuit hopefully we will get your roads underway."

Kathy Johns: "Why is it all right for someone to sue and it is equal? I pay as many taxes as everyone else. I'm equal."

Supervisor Smith: "Mrs. Johns, wouldn't it be silly for us to go in and spend public money on your roads and then have a judge two months from now or six months from now say that the expenditure was not warranted."

Kathy Johns: "I understand that. I realize there's no black and white and there's no pure justice, but I'm asking why?"

Supervisor Smith: "We are prosecuting the case on the premise that we want to do your roads. Not only your roads in Timber Park but other roads that are private roads, in a gradual orderly process."

Kathy Johns: "Meanwhile, the children are still up on 25. We still have hazards that are getting worse and worse. Now anyone who rides through Timber Park knows that we're not irate we're just honest."

Supervisor Smith: "When I got elected I did not get issued a magic wand. We're doing the best we can."

Kathy Johns: "In the event that it comes to that, I'm sure that you would like to know that we are trying to organize all of the private areas."

Mr. Bruce Stark, Riverhead: "If you're looking for some roads I have five miles for you. My question is I believe that about a year ago at a meeting in this Town Hall, a shopping plaza was requesting an extension to build more buildings in there, which was the A & P shopping lot which was granted. I brought up a point about their exit onto Roanoke Avenue. I think at that time the man promised that he was going to make that an exit and only an exit."

Supervisor Smith: "Yes and the signs are supposedly here. They were as of the last moment that we checked."

Mr. Bruce Stark: "Oh you have been checking on them."

PERSONAL APPEARANCES - continued

Supervisor Smith: "Yes we have also told the gentleman that he will not get his certificates of occupancy for these buildings until the landscaping, which was part of his permit, is done."

Mr. Bruce Stark: "Well I would just like to see it made an exit and not an entrance."

Superivsor Smith: "That's part of his permit."

Supervisor Smith recessed the meeting to hold a Public Hearing.

PUBLIC HEARING - 8:00 P. M.

The Town Clerk submitted affidavits of publishing and posting Public Notice calling Public Hearing to Amend Zoning Ordinance #26, Chapter 108, relating to Signs and other Zone Changes, to be held on March 15, 1977 at 8:00 P.M.

The affidavits were ordered to be placed on file.

COMMUNICATIONS

Suffolk County Department of Planning, dated 3/10/77
Comments: Subdivisions regulations Article XXX, pages 10-28
should not be included in the Zoning Ordinance. Filed.

Supervisor Smith: "This is a rather lengthy proposal which deals with some rather technical aspects of what was called the Zoning Ordinance which is now Chapter 108 of the Code of the Town of Riverhead. I ask that anyone that chooses to address themselves to this hearing or any portion of the matters published relative to this hearing tell the Town Board either by section number, or reference or by topic. Is there anyone who chooses to address the Town Board relative to this particular application?"

Jane Flanagan; Secretary for the Riverhead Townscape Inc., "I have a letter addressed to the Town Board Members which I will read."

The Riverhead Townscape Inc. Advisory Committee has reviewed the proposed Sign Ordinance for the Town of Riverhead and recommends its adoption with the following changes for your consideration:

SECTION 108-56 SIGNS

1. A-3: We recommend that there be a limit to the number of signs. Our recommendation would be a total of no more than three.
2. B-1: Delete the reference to one sign per building to read "One sign per business face". Change the sign area not to exceed 25% to read; "Not to exceed 10%". This should also apply to the total

PUBLIC HEARING - continued

area of window display. We also would recommend that the aggregate sign area not exceed 100 square feet. Part of the reason for this was we got to thinking about the five-story buildings on Main Street, 25% of a building of a five-story building is an awful lot. It's more than one-full story.

3. C. Change the word non-resident to read; "Non-residence". That's just a technical matter.
4. E: Change the sign height to read; "Not to exceed 20 feet in height". We also recommend that the "directory sign" be limited on a basis of 4 square feet per store or business plus 25% which would be allotted to a shopping center itself.

We would also recommend to the Town Board that Amortization Rule should apply to all existing signs in the town.

We wish to thank the Town Board for their consideration of these recommendations. (End)

Very truly yours,

Donald A. Denis, President

Reuben Ryan, Wading River; "I don't have access to the zoning ordinance so I will not be able to refer to any specific sections of it."

Supervisor Smith: "Mr. Ryan you'll be turning back and forth, why don't you just tell us the general topic if you will that concerns you and we'll see if we can get the nature of your concern."

Reuben Ryan: "Being unfamiliar with the Zoning Ordinance as it's presently written, I'd just like to comment generally. If this phase-out is as I understood it originally, that it would be a period of time when the signs will be totally eliminated. I would say that is certainly something that shouldn't be forced on the business of Riverhead. It's important that the sign make a proper appearance that the villages look nice. However, there are businesses..."

Supervisor Smith: "Mr. Ryan we're going in the other direction. We are going from not permitting any signs at the moment to permitting as I tried to explain to you at the joint Board Meetings probably a month or so ago now. We are taking

PUBLIC HEARING - continued

the on-premise advertising sign at this time and we'll probably permit those I refer to as a green thumb kind of a sign. We will then probably next take up the road sign, advertising sign, although we have one road sign, advertising sign proposed this evening, which is the one we discussed at that prior occasion with reference to shopping centers. Probably the only interest who has not addressed this Town Board as we have asked them to do is your large National Outdoor Advertising Firm. The basic premise that we're moving away from is that no signs are permitted in the Town at the moment and we're going in the other direction."

Reuben Ryan: "I think what I'd better do is take a copy of the ordinance and get in touch with the Board later."

Marie Hoff: Section 108-73 "Permits." You referred to the Town of Riverhead Wetlands Law and I just have a simple question. Under the Wetlands Law to which you refer, in it you had, in definition, "material". What is the definition of "material"?

Supervisor Smith: "You've got me out of the one act that we've studied for tonight into the other one."

Marie Hoff: "The reason I ask that Mr. Smith, is that when the Wetlands Law was enacted the definition of "materials" I consider was circular, since it used the word "material" to define the word "material" and I just wanted to know if you had made any changes in that."

Supervisor Smith: "No, I don't recall that we did."

Marie Hoff: "Do you feel that it should be changed?"

Supervisor Smith: "Yes Ma'am. I'll read it again and try to iron out that particular item."

Marie Hoff: "I think that's important when you come to look at permits and you have to deal with something that uses a definition of that kind. And that's my only comment."

Edward Purcell, Jr.: "In relation to the sign ordinance, as I understand it, all aggregate signs can be no higher than 15 feet as you propose. They also can be only 32 square feet. Do you realize how many businesses will be involved if you limit it to this?"

Supervisor Smith: "I think we have a fair idea."

Edward Purcell, Jr.: "I'd say about 50% of the businesses. I believe it costs a lot of money for them and it would hurt them. I think that at least the height size should be raised to where it is now because many businesses

PUBLIC HEARING - continued

have spent a lot of money and a lot of time into putting signs up such as Kinney or any of the other dealers."

Supervisor Smith: "Mr. Purcell what this Board, has proposed this evening is not directed at the Kinney type of sign. We intend to take up the Kinney types of advertising sign probably in a strip zoning technique in business areas."

Edward Purcell, Jr.: "Well what about the signs that are on the roofs of buildings? Are you going to eliminate those? Even in the downtown area there must be a dozen of those."

Supervisor Smith: "Probably what we are saying with reference to signs on roofs of buildings is that they should be on the face or on the sides of the buildings or as is provided for window displays."

Edward Purcell, Jr.: "As I understand it in East-hampton, that is more of a complete tourist area whereas under the Nassau-Suffolk Comprehensive Plan they want to make the Riverhead area a city or a small city or a metropolitan area where they would have most businesses."

Supervisor Smith: "Again you are involved in one side of two competing views with reference to road side advertising."

Edward Purcell, Jr.: "The other signs that's another story completely but more businesses would be affected with the signs that are right there on their own property pertaining to their business. Now the road signs a lot of people don't like them and I can see your point. But when you pertain to a sign on the property of the business I haven't heard too much other than the Board and yourself, against the signs. Billboards yes, but not these other signs."

Supervisor Smith: "Well there is an argument both ways and the purpose of the hearing is to hear you. If you would like to make specific recommendations with reference to what is proposed we will be having other hearings on off-premises, directional signs and if you submit something to the Town Board for our consideration that you can substantiate or argue with, we will consider an additional hearing at that time to see that those changes are incorporated."

We quite frankly sat on this kind of amendment now for a year plus and think it's time we acted on what we'll call the green thumb amendment for the lack of better words and we'll pick up your other arguments should you choose to make them."

PUBLIC HEARING - continued

Edward Purcell, Jr.: "This is an improvement from what it was, but I think it still needs to be improved. Such as you said green thumb, because of this specific argument. It's a step in the right way as far as I'm concerned and I feel many other Riverhead residents are."

Supervisor Smith: "There are some that feel the other way, Sir."

Edward Purcell, Jr.: "Well I haven't heard any come up and I've been to a few of the sign ones and I haven't heard anyone speaking against signs."

Supervisor Smith: "Mr. Purcell can you stand there before me and say that the sign clutter that exists in front of the Neptune Diner on Route 58 is attractive or that it performs any legitimate advertising function?"

Edward Purcell, Jr.: "Well that is not what I was pertaining to. I was pertaining to primarily not shopping centers. Shopping Centers as you said if I'm not mistaken in the ordinance you'd like to have a directory. If they had a directory and then whatever they wanted on their specific building because they are a shopping center and they create a hazard. That I can understand."

Supervisor Smith: "I think what I'm trying to say and I don't want to argue with you, we understand each other's philosophies. There's no way you can drive a car past that place and read all those signs and look for all those things without running into the guy ahead of you."

Edward Purcell, Jr.: "Another thing I think you could put in the ordinance that would help out would be that all signs that are there should be upkept because I would say that is a big part of what makes it look very distasteful. The fact that many signs aren't upkept, they put them up there and leave them there for twenty years and they'll rust up and won't have anything done to it. That would be a better angle that I think you should look into."

Supervisor Smith: "It was proposed two years ago by the larger sign owners that they would institute a program of clearing the signs which they have previously put up which had fallen into disrepair."

Edward Purcell, Jr.: "Well I think it would be better if there was a law saying that they had to be upkept."

Supervisor Smith: "In the absense of self regulation by the industry you're probably right."

PUBLIC HEARING -continued

Edward Purcell, Jr.: "I'll agree with you on that."

William Nohejl: "How does this affect the road stand where they have strawberries come in season and corn come in season? How would that affect the advertising of a road stand?"

Supervisor Smith: "It does affect you. We do have provisions for temporary signs."

William Nohejl: "Well that's what I meant. If you have a 4 x 8."

Supervisor Smith: "But again you can't stand there in your industry and compare the guy that parks opposite Tri-X with Little Chief on Sound Avenue near Pier. Now which says more about Riverhead as you come off the Long Island Expressway? First of all you pass Eaton Claudios which is in Greenport, then we get to Winston and the race track flashing and then we get to whoever that guy who's got to have a passion for drawing his own signs and he does a lousy job."

William Nohejl: "I'm still not convinced. Is there going to be a temporary sign allowed other than the sign stating Little Chief Farm Stand."

Supervisor Smith: "Little Chief, of course, would have his 4 x 8, 32 feet wide. I don't think I've got anything in here for you. There's temporary signs. I don't think we've written anything in for you at the moment."

William Nohejl: "Do you intend to?"

Supervisor Smith: "Is it your suggestion that we do?"

William Nohejl: "No, I suggest that if it's a temporary sign like strawberries or something else that is in season, it's just up there for a certain period of time and then taken down. I feel as though it shouldn't be included in it."

Supervisor Smith: "Of course the sign that would be on the side of the building, etc., would be covered under the other provisions."

William Nohejl: "The 4 x 8 or whatever it is yes."

Supervisor Smith: "You could improve the image of a Long Island farmer by giving that guy artist lessons."

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the Hearing closed, and re-opened the meeting.

Supervisor Smith recessed the meeting for twelve minutes.

The meeting reconvened and Supervisor Smith recessed the meeting to hold a Public Hearing.

PUBLIC HEARING - 8:30 P.M.

The Town Clerk submitted affidavits of publishing and posting Public Notice calling Public Hearing on proposed Local Law #1-1976 for the Code of the Town of Riverhead, entitled: "Environmental Quality Review Act", to be held on March 15, 1977 at 8:30 P.M.

The affidavits were ordered to be placed on file. Supervisor Smith thereupon opened the Hearing and explained as follows: "Ladies and gentlemen what is proposed for your consideration this evening is a Local Law for the Town of Riverhead relative to the requirements of a provision of the Environmental Conservation Law which is known as the Environmental Quality Review similar to the Freshwater Wetlands Act that some of you may have sat through previously.

This is one of those mandated ordinances by the State of New York. What it provides is that if we do not do something relative to the implementation of this Act, we will be subject to lawsuit and that quite possibly the jurisdiction of such matters will lapse from the Town of Riverhead to the County of Suffolk or State of New York.

So what the Town Board has provided is a means of evaluating Environmental Impact Statements for any proposed action that is deemed to have a significant impact upon the Environment. If the current requirements of the statute remains, this will apply to actions of all municipalities on June 1st, 1977 and it will apply to actions of private enterprise on September 1st, 1977.

The Act is complex, the State Act that is, in its implementation but I don't know that for the consideration of what we propose here this evening that you need necessarily work. Is there anyone who chooses to address the Town Board with reference to this Act? What it will require is that the Town of Riverhead or private enterprise when they file for a building permit with the Town of Riverhead, they will file as an Environmental Impact Statement.

That will be subject to the review of a three-man panel in the Town of Riverhead. However, if we were the agency that were to first receive the application and the Environmental Impact Statement we would forward it to all other governmental project. Downtown that would mean the School District, the Fire District, We sit as the Water and Sewer District, the County of Suffolk, the State of New York and probably some other people who I have forgotten. If one

PUBLIC HEARING - continued

or more of those agencies deems that the proposed action has a significant impact upon the Environment they tell Riverhead.

Let's say the Town of Riverhead, County of Suffolk, State of New York and the Riverhead School District say that it is significant that the law provides that the four shall agree upon who will conduct the Review of the Environmental Impact Statement. If the four agencies do not agree, the Commissioner of Environmental Conservation selects who the agency is. If we were selected to be the lead agency we would follow the Act that we propose this evening. Does that help you any?"

Mrs. Robert Tormey: "Does the Town Board anticipate passing this tonight taking action on it because there are several serious omissions from the notice?"

Supervisor Smith: "From the copy that we prepared at the Joint Board Meeting to what was published, then what we should do is confer with Miss Block."

Mrs. Robert Tormey: "They were left out of the copy of the Joint Board Meeting to be added later and they were not added."

Supervisor Smith: "Then we possibly need an additional publication with reference to those items."

Mrs. Robert Tormey: "I think you will have to."

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the Hearing closed at 8:40 P.M. and re-opened the Meeting.

RESOLUTIONS

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, Bids for Portable Resuscitator Assembly for use by the Riverhead Town Police Department were requested pursuant to advertisement for bids dated February 18, 1977, and WHEREAS, In response to such advertisement, bids for Portable Resuscitator Assembly for use of the Police Department were received by the Town Clerk on Monday, February 28, 1977 at 11:00 A.M., as follows:

Accurate Fire and Safety, 100 Merrick Road, Lynbrook, N.Y. 11563

Approximate date of delivery: Three (3) Weeks

Cost of resuscitators with all specifications: \$350.70 each
\$3,507.00 - Total

RESOLUTIONS - continued

G. E. Pickering, Inc., 263 Glen Cove Avenue, Sea Cliff, N.Y. 11579

Approximate date of delivery: 2-6 Weeks after receipt of purchase order

Cost of resuscitators with all specifications: \$3,941.00**
**-Terms less 3% (\$118.23 for 20 day payment)

AND WHEREAS, The Portable Resuscitator Assembly offered by Accurate Fire and Safety, the low bidder does not conform to the bid specifications, now therefore,

BE IT RESOLVED, That the bid of Accurate Fire and Safety be and is hereby rejected, and

FURTHER RESOLVED, That G. E. Pickering, Inc., 263 Glen Cove Avenue, Sea Cliff, New York 11579, be and is hereby awarded the bid for the Portable Resuscitator Assembly, in the amount of \$3,941.00.

The vote, Lombardi, Absent, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids on an Emergency Generator Plant and Trailer for use of the Riverhead Town Police Department, and be it

RESOLVED, That the Town Clerk of the Town of Riverhead be and hereby is designated to open publicly and read aloud on Monday, March 28, 1977, at 11:00 A.M., at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Emergency Generator Plant and Trailer".

The vote, Lombardi, Absent, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the Town Clerk be and is hereby authorized to advertise for sealed bids for the purchase of sixty (60) New Duncan Parking Meter Mechanism Units of equal and sixty (60) New Duncan Parking Meter Housings of equal and two (2) spare Parking Meter Mechanism Units, and be it

RESOLVED, That specifications be prepared by Police Chief Roscoe Palmer, and bids to be returnable up to 11:00 A.M. on Monday, March 28, 1977, and be it further

RESOLVED, That the Town Clerk be and hereby is designated to open publicly and read aloud on Monday, March 28, 1977 at 11:00 A.M. at the Office of the Town Clerk, 200

RESOLUTIONS - continued

Howell Avenue, Riverhead, N.Y. all sealed bids bearing the designation "Bid on Parking Meter Units".

The vote, Lombardi, Absent, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes,

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the meeting to hold a Public Hearing.

PUBLIC HEARING - 8:45 P.M.

The Town Clerk submitted affidavits of publishing and posting Public Notice calling Public Hearing on the matter of the application of Barr, Heller and Levine asking for Extension of Special Permit to erect condominiums on the north side of Middle Road - easterly of Nadel Drive, Riverhead, N.Y. to be held on March 15, 1977 at 8:45 P.M.

The affidavits were ordered to be placed on file.

Supervisor Smith declared the Hearing opened and asked if anyone wished to be heard.

No one wishing to be heard and no communications having been received thereto, Supervisor Smith closed the Hearing at 8:46 P.M. and re-opened the Meeting.

RESOLUTIONS

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That a Public Hearing be held on April 5th, 1977 at 8:30 P.M., on the matter of the application of Northville Industries Corp., for the Special Permit to expand the petitioner's oil storage facilities, and the Town Clerk be and is hereby authorized to publish, post and mail copies of the annexed notice to the Suffolk County Planning Commission, the Town Planning Board, Zoning Board of Appeals, Building Department and the three adjoining townships.

PUBLIC NOTICE

PLEASE TAKE NOTICE that, upon the petition of Northville Industries Corp., dated February 11, 1977, the Town Board of the Town of Riverhead, at 8:15 P.M. o'clock on April 5, 1977, at the Town Hall, 200 Howell Avenue, Riverhead, New York, will hold a public hearing to hear all persons for and against the requested Special Permit to expand the petitioner's oil storage facilities by 2.62 million barrels in an approximately 40.5 acres in size, generally described as being bounded on the north by Sound Shore Road, on the west by lands nor or formerly Edson Young, on the south by Sound Avenue, and on the east by Theodore Breitenbach, Jr.

RESOLUTIONS - continued

PLEASE TAKE FURTHER NOTICE that, pursuant to Section 108-3, Special Permit, the complete application of Northville Industries Corp., is on file in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, and is available for inspection during the business hours of any day. All persons wishing to be heard should appear at the above-stated time and place.

The vote, Lombardi, Absent, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the two bids for Seat Consoles, Accessories and Installation in Police Vehicles received by the Town Clerk on March 7, 1977 from A & M Electronics, V & C Sys. Inc., 56 Riverhead Road, Westhampton Beach, N.Y. 11978 and Eastern L.I. Electronics Inc., Old Country Road, Quogue, N.Y. 11959 be and the same are hereby rejected, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby directed and authorized to re-advertise Notice of Bids requiring bids for the Seat Consoles, Accessories and Installation in Police Vehicles to be opened by the Town Clerk on Monday, March 28, 1977 at 11:00 A.M.

NOTICE TO BIDDERS

SEALED BIDS FOR: Seat Consoles, Accessories and Installation in Police Vehicles for the Police Department of the Town of Riverhead, will be received by the Town Clerk at 200 Howell Avenue, Riverhead, New York, until 11:00 A.M., on Monday, March 28, 1977, at which time and place they will be opened and read.

Instructions for bidders, specifications, and bid forms may be obtained at the office of the Town Clerk, 200 Howell Avenue, Riverhead, New York. Bids shall be on the form as prepared by the Town of Riverhead.

The Town Board of the Town of Riverhead reserves the right to reject any and all bids or to waive any informalities.

All bids must be in a sealed envelope marked to show the item bid.

The vote, Lombardi, Absent, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, The Town Board has previously rejected oil bids on liquid asphalt, and

WHEREAS, New specifications have been drawn to eliminate the objections previously made to the prior bid specifications,

RESOLUTIONS - continued

NOW, THEREFORE, be it

RESOLVED, That the Town Clerk be and she hereby is, authorized to publish and open bids for liquid asphalt in accordance to the notice and specifications filed in the Office of the Town Clerk.

The vote, Lombardi, Absent, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, The Town Board has appointed Roscoe Palmer provisionally as Chief of Police of the Riverhead Police Department, and

WHEREAS, Roscoe Palmer has passed the examination for said position,

NOW, THEREFORE, be it

RESOLVED, That the Supervisor be and he hereby is, authorized to amend the Duty Statement for Police Chief III, Riverhead Police Department from a certification of eligibles from the Suffolk County Civil Service Commission, dated March 10, 1977.

The vote, Lombardi, Absent, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Young.

WHEREAS, The Town Marina at South Jamesport is in need of repairs to pilings and catwalks,

NOW, THEREFORE, be it

RESOLVED, That the Town Clerk be, and she hereby is, authorized to publish the annexed advertisement for bids and open said bids in accordance with law.

ADVERTISEMENT FOR BIDS

Sealed proposals for the resetting of Piles and repairing of Catwalks at the Riverhead Town Marina, at South Jamesport, Town of Riverhead, New York, will be received by the Town Clerk for the Town Board of the Town of Riverhead, at 200 Howell Avenue, Riverhead, New York, until 11:00 A.M. (prevailing time) on April 4th, 1977 at which time and place they will be publicly opened and read.

The Information for Bidders, Form of Bid, Form of Contract, General Conditions, Specifications and Plans may be examined at the Office of the Town Clerk at the Town Hall, 200 Howell Avenue, Riverhead, New York.

Each bidder must deposit with his bid a certified check in an amount of not less than five (5%) percentum of the total bid price payable to the order of the Supervisor of the Town of Riverhead, or a bond with sufficient sureties,

RESOLUTIONS - continued

to be approved by the Supervisor of the Town of Riverhead in the penal sum of not less than (5%) percentum of the total bid price. Such check or bid bond will be promptly returned to all except the lowest bidder after the formal opening of bids. The check or bid bond of the successful bidder will be returned within two days after the contract has been executed. The successful bidder, upon his failure or refusal to execute and deliver the contract and bond required within ten (10) days after he has been notified of the award of the contract to him shall forfeit to the Town Board, as liquidated damages, for such failure refusal, the security deposited with his bid.

The Town Board reserves the right to waive any informalities in all bids.

The vote, Lombardi, Absent, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the following transfer of unclaimed tax moneys into the General Town Account, which have been held in trust since 1974, be recorded:

FROM:

T72 Trust and Agency Tax

Moneys, Overpayment (1974) . . . \$32.87

TO:

A2770 General Town Tax

Overpayment . . . \$32.87

The vote, Lombardi, Absent, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the firm of Young and Young be retained, pursuant to their letter quotations, for the following projects and amounts:

- | | |
|------------------------------------|------------|
| 1. Proposed Recreation Development | \$1,200.00 |
| 2. East Pond at Wading River | \$ 900.00 |
| 3. Drainage Project, No. 45 | \$1,300.00 |
| 4. Undergrounding Utility Lines | \$1,400.00 |

The vote, Lombardi, Absent, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 9:00 P.M.

The Town Clerk submitted affidavits of publishing and posting Public Notice calling Public Hearing on the matter of the application of Bogdan Radonovich for a Permit pursuant to Freshwater Wetlands Local Law No. 5-1976, to be held on March 15, 1977 at 9:00 P.M.

The affidavits were ordered to be placed on file.

Supervisor Smith opened the Hearing and explained as follows: "This is with reference to an excavation or fill permit that is proposed on land of Mr. Radonovich which is near the liquor store on the westerly side of the hamlet of Jamesport near Circle Drive. It has been the subject of the examination by the Conservation Advisory Council.

Does anyone choose to address the Town Board with reference to this particular matter?"

Tim Gray: "I was just wondering what are the intentions after it's been back-filled? What do they intend to build?"

Supervisor Smith: "I don't know that there has been an application for a building permit. It's a business zone and they would be permitted to do those things that you can do on that particular business zone provided they stabilize the soil and some other things. It's not an absolute grant."

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the Hearing Closed at 9:03 P.M. and re-opened the meeting.

Supervisor Smith then recessed the Meeting for five minutes.

RESOLUTIONS

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, River Cement Block Co., Inc., holds a permit from this Town Board, pursuant to Chapter 62 of the Code of the Town of Riverhead, for it's predecessor ordinance for an excavation located on the west side of Roanoke Avenue, north of Middle Road, and

WHEREAS, Section 62-5 provides for a plan of rehabilitation of said site, and

WHEREAS, By a letter, dated November 16, 1976, Riverhead Cement Block Co., Inc., asked permission of this Board to alter and amend its rehabilitation plans to include there in four (4) commercial tennis courts, and

WHEREAS, This Board finds that a temporary permit should issue, pursuant to said request, on certain terms and conditions and subject to the further action of this Town Board,

NOW, THEREFORE, be it

RESOLUTIONS - continued

RESOLVED, That the excavation permit of the Riverhead Cement Block Co., Inc., be amended for a period of two (2) years, so as to permit the installation of a total of four (4) commercial tennis courts, no part of which shall be closer than thirty (30) feet from the southerly lot line of Riverhead Cement Block Co., Inc., and which courts shall be closer to Roanoke Avenue than the easterly side of the tennis court now existent at that location. As a further condition of said permit, said courts may be used only between the hours of 8:00 A.M. and 9:00 P.M. As a further condition of said permit, the applicant shall obtain a building permit for said tennis courts prior to construction and shall submit to this Town Board a revised rehabilitation plan that will show the location of the aforesaid tennis courts, as well as the contours and plans for the balance of the applicant's parcel.

Before the vote Supervisor Smith made the following statement: "It's a resolution pursuant to the excavation ordinance. It is subject to the Cement Block Company filing a total site plan development and before construction can begin, the building permits have to be issued from the Town Building Department. There are several different conditions on the issuance of a permit."

The vote, Lombardi, Absent, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

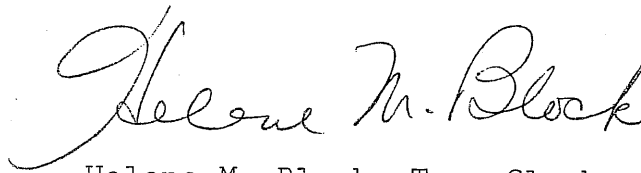
Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the Town Board meet on Thursday, March 17, 1977 at 10:00 A.M. for the sole purpose of auditing and approving payment of bills.

The vote, Lombardi, Absent, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the Meeting adjourned to meet April 5, 1977 at 7:30 P.M.



Helene M. Block, Town Clerk